

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MAE BARBEE, ET AL.,)	
)	
Plaintiffs,)	Case No: 3:19-cv-00119
)	
)	JURY TRIAL DEMANDED
)	
v.)	Collective and Class Action
)	
NAVIHEALTH, INC.,)	Judge Waverly D. Crenshaw
)	Magistrate Judge Alistair Newbern
Defendant.)	

**JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS AND
COLLECTIVE ACTION SETTLEMENT AND CERTIFICATION OF
FLSA COLLECTIVE AND RULE 23 SETTLEMENT CLASSES**

Plaintiffs Mae Barbee, Donna Trone, Sheree Montgomery, and Mary Beth Herwald (“Plaintiffs” or “Named Plaintiffs”) and Defendant, naviHealth, Inc. (“Defendant” or “naviHealth”) (collectively the “Parties”), respectfully move this Court for preliminary approval of the class action and collective action settlement in this matter and to certify the Pennsylvania State Law Class, for settlement purposes only, pursuant to Fed. R. Civ. P. 23(e) and to certify the collective action under the Fair Labor Standards Act (“FLSA”) for settlement purposes only.

For the reasons set forth in the supporting memorandum of law and the attached declarations, the proposed Settlement Agreement is “fair, reasonable and adequate,” provides Settlement Class Members with substantial monetary relief, and satisfies all other criteria for preliminary approval,. Accordingly, the Parties respectfully request the Court to grant this motion and enter an Order that: (1) preliminarily approves the Settlement Agreement; (2) approves the FLSA settlement notice attached as Exhibit B to the Agreement and the FLSA Opt-in Form

attached as Exhibit C to the Agreement; (3) approves the Rule 23 settlement notice attached as Exhibit D to the Agreement and the Rule 23 Claim Form attached as Exhibit E to the Agreement; (4) appoints Rust Consulting, Inc. as the Settlement Administrator; (5) certifies the FLSA collective action pursuant to 29 U.S.C. §216(b) for settlement purposes only; (6) preliminarily certifies the Rule 23 State Law Class for settlement purposes only under Fed. R. Civ. P. 23(e); (7) appoints Plaintiffs' Counsel as Class Counsel; and (8) sets a Final Approval and Fairness Hearing on a date approximately ninety-five (95) days from the date of the Preliminary Approval Order.

MAY 8, 2020

RESPECTFULLY SUBMITTED,

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CERTIFICATION OF SERVICE

The undersigned attorney certifies that a copy of the foregoing has been filed via the Court's ECF filing system on May 8, 2020, and transmitted to the following counsel of record:

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